DOCUMENT RESUME

ED 465 052 CE 083 286

AUTHOR	Reisenberger, Anna; Dadzie, Stella
TITLE	Equality and Diversity in Adult and Community Learning.
INSTITUTION	Learning and Skills Development Agency, London (England).; National Inst. of Adult Continuing Education, Leicester (England).
SPONS AGENCY	Department for Education and Skills, London (England).
ISBN	ISBN-1-85338-752-5
PUB DATE	2002-00-00
NOTE	54p.; Part of the Adult and Community Learning Quality Support Programme.
AVAILABLE FROM	Learning and Skills Development Agency, Regent Arcade House, 19-25 Argyll Street, London W1F 7LS, United Kingdom, England (Reference No. A1181). Tel: 020 7297 9000; Fax: 020 7297 9001; Web site: http://www.lsda.org.uk/home.asp. For full text: http://www.lsda.org.uk/files/pdf/A1181.pdf.
PUB TYPE	Guides - Non-Classroom (055) -- Tests/Questionnaires (160)
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	Access to Education; Administrator Guides; Adult Education; *Adult Learning; Case Studies; *Community Education; *Cultural Pluralism; *Culturally Relevant Education; Disabilities; Educational Legislation; Educational Opportunities; *Equal Education; Foreign Countries; Inclusive Schools; Minority Groups; Models; Program Evaluation; Public Policy; Questionnaires; Racial Integration; Relevance (Education); Self Evaluation (Groups); Special Needs Students; Staff Development; Student Centered Curriculum; Trend Analysis; World Wide Web
IDENTIFIERS	*United Kingdom

ABSTRACT

This document is a practical guide to help managers of adult and community education programs in the United Kingdom address equality and diversity in the context of the Learning and Skills Council (LSC) remit and the Common Inspection Framework. The following are among the topics discussed in Sections 1-4: (1) learner-centered approaches (inclusive learning, widening participation, achieving learning goals, equality of opportunity, meeting community needs, meeting learners' needs, a curriculum fit for purpose, staff development); (2) a higher profile for equality and diversity (the LSC remit and the Common Inspection Framework); (3) the changing legal context (the MacPherson report, the Race Relationships (Amendment) Act of 2000, the Special Educational Needs and Disability Act of 2001); and (4) local education agency equality frameworks (neighborhood renewal, best value, Racial Equality Means Quality). Case studies highlighting good practice are included throughout these four sections. A self-audit tool to help managers and coordinators evaluate and improve their provision is also included. Statutory requirements regarding race and sex discrimination, positive action, disability discrimination, age discrimination, and human rights are appended. A list of 15 relevant organizations and their World Wide Web addresses concludes the guide. (Contains 17 references.) (MN)

Reproductions supplied by EDRS are the best that can be made
from the original document.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY
M. J. Nowocin
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

niace
promoting adult learning

learning and skills development agency

ED 465 052

equality and diversity in adult and community learning

a guide for managers

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

2

Anna Reisenberger and Stella Dadzie

BEST COPY AVAILABLE

adult and community learning
quality support programme

A 3 year programme to support ACL providers to meet quality requirements of inspection and funding agencies and improve their provision. It is run by the Learning and Skills Development Agency (LSDA) in partnership with the National Institute of Adult and Continuing Education (NIACE) and is funded by the Department for Education and Skills (DfES). The programme includes an advice and information service, a website, quality improvement networks, staff development workshops and consultancy, development projects and case studies. Details of the programme, extra copies of this guide and back up materials are available on the website www.qualityACL.org.uk

Further guides and workshops are planned on:

- involving part time staff in the quality agenda
- measuring achievement in non-accredited learning

BEST COPY AVAILABLE

niace
promoting adult learning

learning and skills development agency

equality and diversity in adult and community learning

a guide for managers

BEST COPY AVAILABLE

Published by the
Learning and Skills Development Agency.

www.LSDA.org.uk

Feedback should be sent to:
Information Services
Learning and Skills Development Agency
Regent Arcade House, 19–25 Argyll Street
London W1F 7LS.
Tel 020 7297 9144
Fax 020 7297 9242
enquiries@LSDA.org.uk

Registered with the Charity Commissioners.

Editor: Yvonne Percival
Designers: Dave Shaw and Tania Field
Printer: Blackmore Ltd, Shaftesbury, Dorset

ISBN 1 85338 752 5

© Learning and Skills
Development Agency 2002

A1181/04/02/3000

You are welcome to copy this publication
for internal use within your organisation.
Otherwise, no part of this publication may
be reproduced, stored in a retrieval system,
or transmitted in any form or by any means,
electronic, electrical, chemical, optical,
photocopying, recording or otherwise, without
prior written permission of the copyright owner.

Further information

For further information on the issues discussed
in this publication please contact:
Anna Reisenberger
Manager, Quality Improvement Programmes
Learning and Skills Development Agency
Regent Arcade House, 19–25 Argyll Street
London W1F 7LS.
Tel 020 7297 9086
areisenberger@LSDA.org.uk

Contents

Introduction	1
Learner-centred approaches	3
Inclusive learning	3
Widening participation	4
Achieving learning goals	6
Equality of opportunity	7
Meeting community needs	10
Meeting learners' needs	12
A curriculum fit for purpose	13
Staff development	15
A higher profile for equality and diversity	17
The LSC remit	17
The Common Inspection Framework	19
The changing legal context	25
The MacPherson Report	25
The Race Relations (Amendment) Act 2000	27
The Special Educational Needs and Disability Act 2001	29
LEA equality frameworks	31
Neighbourhood renewal	31
Best Value	32
Racial Equality Means Quality (REMQ)	33
Self-assessment for equality and diversity	35
Equality and diversity audit tool	36
Appendix Statutory requirements	41
References	45
Relevant organisations and their websites	47

About the authors

Anna Reisenberger is manager of quality improvement programmes at LSDA. These help providers of adult and community learning, further education and work-based training to improve quality standards and levels of student achievement.

Stella Dadzie is an independent writer and trainer on equalities issues. As well as working for the LSDA, she has written guides and policies for the Commission for Racial Equality and NIACE.

Stella Dadzie and Anna Reisenberger have collaborated on three other publications.

- *Equality assurance: self-assessment for equal opportunities in further education.* FEDA, 1998.
- *Social inclusion: equality assurance, self-assessment for equal opportunities in training.* DfEE, 1999.
- *Equality in practice: a guide to mainstreaming.* LSC, 2001.

Acknowledgements

Thanks are due to colleagues at LSDA, NIACE and other national bodies who commented on the text. We are particularly grateful to the following providers for permission to use their case studies: Bristol Community Education Services; London Borough of Enfield; Oxfordshire County Council; Redbridge Institute of Adult Education; Sheffield City Council; Southend Adult Community College and Southend Association of Voluntary Services.

Terminology

The terms 'equality of opportunity' and 'equal opportunity' (EO) are used interchangeably throughout this publication. By 'EO' we mean the need to promote equality of opportunity between people with a disability and those without, between men and women, between different racial groups and any other groups or individuals who may be disadvantaged in gaining access to, or success in, adult education.

Introduction

For adult and community learning (ACL) providers, the challenges involved in delivering equality and responding to diversity are not new. Your involvement in developing 'first-rung' provision is likely to have brought you face to face with many of the constraints and barriers confronting 'non-traditional learners'. You may be familiar with the problems faced by lone parents, asylum seekers, people with sensory or mobility impairments or who have a limited income. You will be used to supporting learners whose first language is not English, or who have had negative experiences of education in the past.

You are probably also familiar with the benefits – and the tensions – that stem from having a diverse workforce. ACL has traditionally been a 'first rung' for tutors unable to access employment as teachers because of their non-typical social or educational background. With their subject knowledge, diverse life experiences and practical skills, they have served as mentors and positive role models for generations of adult learners, as well as introducing innovation and challenge into the sector.

Because of this long history of working at the 'chalkface' of adult learning, ACL can claim a wealth of good practice. ACL is the source of many creative outreach and teaching strategies and of sound partnerships with voluntary and community groups. Its flexible responses to individual needs are now emulated in further and higher education. In many respects, ACL has taken the lead and shown that, even with minimal resources, meaningful responses to inequality and diversity can be delivered.

However, not all tutors recognise their own good practice, and many would admit to the practical difficulties of embedding good practice in a systematic way. Others may be well intentioned, but unaware of the legal, statutory and inspection frameworks that underpin the sector's response to its rapidly changing client group. Low participation is still concentrated among adults with no qualifications, those who look after the family, those with an annual family income below £10,400 and those living in the most deprived areas (DfES 2001a). Too many people are still missing out because provision does not meet their needs. Closing equality gaps means giving these people the opportunities and support they need to succeed.

Building on the more familiar concepts of inclusive learning and widening participation, this guide sets these equality and diversity issues in the context of the Learning and Skills Council remit and the Common Inspection Framework. It outlines new legislative and reporting requirements for local authority adult education. It concludes by pulling the strands together in a self-assessment tool that can be used by both managers and coordinators as a starting point for evaluating and improving provision.

Learner-centred approaches

The revised funding and inspection frameworks that came into force with the advent of the Learning and Skills Council (LSC) have been designed to place the learner at the heart of the system.

This learner-centred approach builds on important changes in post-16 education initiated by two key reports:

- *Inclusive learning* (Tomlinson 1996)
- *Learning works – widening participation in further education* (Kennedy 1997).

Too often these changes have been managed as separate initiatives and not integrated into strategic equal opportunity approaches.

Inclusive learning

The Tomlinson Report (1996) promoted a student-centred approach that makes learners' individual needs the starting point for developing a responsive, 'tailor-made' curriculum. Instead of the learner having to fit in with existing provision, Tomlinson makes the case for fitting the provision around the needs of the learner:

By inclusive learning we mean the greatest degree of match or fit between how learners learn best, what they need and want to learn, and what is required from the sector, a college and teachers for successful learning to take place.

Tomlinson 1996

This involves identifying learners' specific and additional needs, providing resources and appropriate support, meeting their preferred learning styles and giving them access to fair assessment.

Although the report focused in particular on ways of helping students with learning difficulties or disabilities to succeed, it highlighted the relevance of inclusive approaches to *all* adult learners.

AdVance Partnership

Southend Adult Community College
and Southend Association of Voluntary Services

In order to maximise inclusion for students with partial sight, advisors have discussed individual needs with the local Visual Impairment Resource Centre.

Our advisor discusses with each student their needs for a particular course and we:

- prepare and provide all documentation, including handouts, worksheets etc, two weeks in advance of the course – this material is highly magnified on CCTV by the student
- prepare and provide all handouts, worksheets etc, in large print on coloured paper two weeks in advance of the course
- prepare and transcribe all documentation relating to the course into Braille two weeks prior to the course
- make provision for guide dogs
- provide a copy, on disk, of each brochure as it is published.

Widening participation

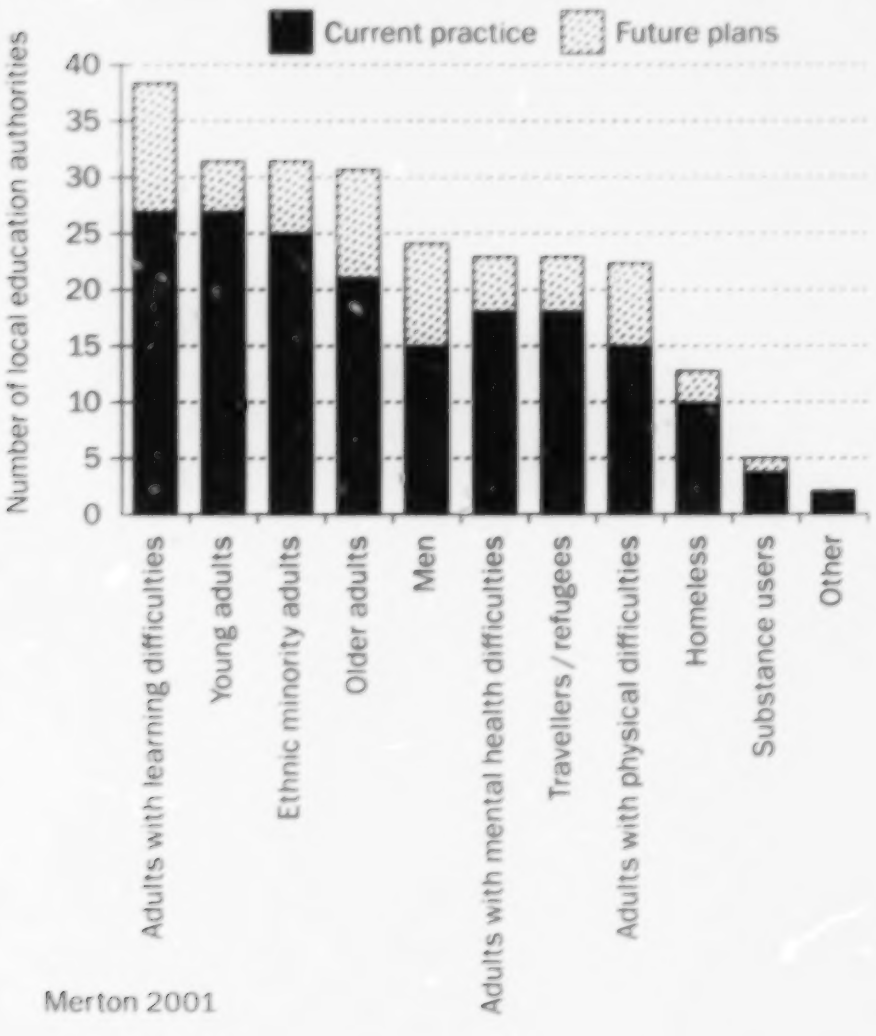
The Kennedy Report (1997) also stressed the importance of making learning accessible to *all* learners, but focused on people who may be disadvantaged because of their social, economic or educational background. The report highlighted some of the barriers to learning that can prevent or discourage adults from continuing with their education – for example, lack of information, childcare support or basic skills, and difficulties meeting the costs of study. To improve access and participation by under-represented groups, providers are urged to question whether they are genuinely widening participation or simply increasing numbers.

Figure 1 shows how local education authority (LEA) adult learning plans for 2001 made reference to specific target groups, although it was difficult to 'distinguish between aspirations and reality' (Merton 2001).

BEST COPY AVAILABLE

Figure 1 Reference made within plans to specific practice or intention to work with particular target groups

Note : not all plans made reference to the detail of groups targeted



Merton 2001

ACL providers have often been the first port of call for learners from excluded or under-represented groups. However, this can sometimes make providers complacent. The ability to attract a diverse clientele is one thing; ensuring that learners' needs are properly catered for is another. Your community-based outreach provision may be more accessible than that of the local FE college, but have you undertaken an audit of your service's access, support and curriculum against identified and potential needs? As long as there is poor access for people with a disability, no community language or pictorial signing,

no information point or crèche, the claim that learners have equality of opportunity will remain open to challenge. With new LSC monitoring arrangements and new inspection requirements, LEAs will have to both *prove* and *improve* equal opportunities.

Achieving learning goals

The implications of the Tomlinson (1996) and Kennedy (1997) Reports are about providing access, supporting progression and promoting progress. This means learners having:

- **pre-course assessment** fair and impartial methods of assessment that establish individuals' prior learning, skills and achievements, identify their strengths and weaknesses, clarify any learning support needs and map out learning and progression routes
- **on-course support** help with Basic Skills, ESOL, Information Technology or other aspects of the learning, as well as access to a signer, counsellor or welfare advisor, to childcare or financial help and to other forms of individual support, if needed
- **accessible buildings** buildings, learning environments and physical resources that are accessible to wheelchairs and pushchairs and do not present obstacles to people with sight, hearing or other physical / sensory impairments
- **mainstream provision** mainstream courses that integrate people with learning difficulties or disabilities and encourage positive interaction between different groups of learners, regardless of their age, ethnic origin, gender, social status, religion or educational background
- **resources and equipment** user-friendly handouts, course materials, technology and equipment that encourage full participation and access to all services, facilities and areas of the curriculum
- **modularised programmes** flexible, 'bite-sized' provision, designed to accommodate, motivate and retain adults with work, caring, family or other competing priorities
- **ways of recognising and accrediting individual achievements** including 'value-added' benefits such as increased confidence or enhanced social skills
- **clear progression routes** into employment, training, adult or, further education; enabling learners to build on what they have achieved and to realise their career or life aspirations.

Progression in neighbourhood provision

A community-based video and drama project run from Hulme Adult Education Centre has been very successful in bridging the gap between the local community and progression to employment and higher education. The project makes productions in and about the local scene, dealing with issues of interest to people like drugs, violence etc. 'Recruitment' is largely by word of mouth by the tutor (who is local) and his students, or local showings which attract a big audience because people know people who have worked on the production or have seen filming going on. Potential participants are allowed up to 3 months 'visiting time' to dip in and out before committing themselves formally to a course. Pass rates are good and local people have gone on to universities (mainly around Manchester) to pursue the subject – not people who previously thought of themselves as destined for HE. Job placing rates are also good.

DfEE 1999

Equality of opportunity

Whereas the main focus of 'inclusive learning' is on the needs of individual learners and 'widening participation' focuses on the community, 'equality of opportunity' (EO) embraces the general ethos of your organisation.

BEST COPY AVAILABLE

Figure 2 Achieving equality of opportunity through inclusive learning and widening participation

Credible EO policies and procedures are vital if your service is to be able to respond to diversity, inequalities and differences among staff and learners. Declaring a firm commitment to equality of access, treatment and opportunity sends out an important message about your organisation's values and priorities. However, having a policy is not enough. It remains a mere declaration of intent unless it is supported by effective top-down and bottom-up responses, such as:

- **active leadership** the commitment and accountability of members, officers, governors, senior managers and/or other decision-makers
- **needs assessment** representative forums for consulting with different groups, to ensure that the views of ethnic minorities, women, people with disabilities and other marginalised groups are both sought and heard
- **ownership** opportunities for staff, students and community representatives to discuss the policy and explore the rights and responsibilities involved

BEST COPY AVAILABLE

- **mainstreaming** ongoing scrutiny of existing policies, procedures, fee structures, quality assurance and decision-making processes to ensure that equalities issues are central and fully embedded
- **action planning** closely monitored aims and targets, supported by clear implementation strategies, timed objectives and responsible named persons
- **data collection** using data on ethnicity, gender, age, disability and other relevant information to: review staff and student applications, admissions, distribution of students, retention and achievement; establish benchmarks; and identify areas for improvement
- **regular training** providing induction, training and staff development opportunities that promote tutor awareness and good practice
- **promotion** internal and external marketing that promotes awareness of your organisation's EO-related policies, procedures and achievements, and ensures full access to courses, learning support and other provision
- **external links** contact with relevant outside agencies offering advice on how to meet legal, inspection or funding requirements and responding to change
- **partnerships** active working partnerships with the local voluntary sector to identify learners' needs and develop coordinated responses
- **outcomes** evidence of successful EO practice, reflected in the participation, retention and achievement rates of students and in the representation, development and promotion of staff from under-represented or formerly excluded groups
- **evaluation and review** regular review of progress against aims and targets, with plans to tackle weaknesses and build on strengths.

Many of these criteria are now integral to the new ACL inspection, self-assessment and quality assurance frameworks. This means that the onus is increasingly on you, as the provider, to produce evidence that responding to inequality and diversity is a mainstream activity – a part of everything you do.

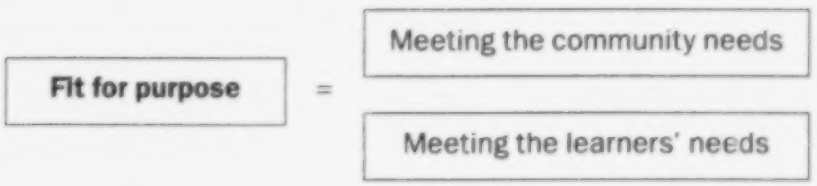
Fee concessions should reflect Equal Opportunity strategy.
A thematic review of local authority Adult Learning Plans showed:

- **free provision for asylum seekers and refugees in Hackney**
- **different levels of concession in Hillingdon to older adults aged 60+ and the [students who are] 75+ on the assumption that the amount of disposable income tends to reduce with advancing age**
- **fee remission for community volunteers in Bath and NE Somerset.**

Merton 2001

Effective EO policies and procedures go hand in hand with a curriculum that is 'fit for purpose'. This means actively developing your capacity to identify local and individual needs and adapt your provision to meet them.

Figure 3 An appropriate curriculum



Meeting community needs

Many people miss out on learning because they believe – rightly or wrongly – that what is available will not meet their needs. Maintaining regular, two-way communication with representative groups, agencies and individuals is a way of keeping a finger on the community's pulse and reaching new learners, particularly if your staff are willing to meet others on their own turf or terms. Outreach also ensures that your service maintains a high local profile.

BEST COPY AVAILABLE

Formal and informal contacts can provide a wealth of ideas, contacts and critical feedback, as well as giving useful insights into the frustrations and aspirations of local people. You can achieve these links in any number of ways, for example by:

- joining or developing local networks that are representative of local communities
- actively engaging in bodies with a remit for identifying needs: local learning partnerships, LSC task groups and local strategic partnerships
- negotiating active partnerships with voluntary sector groups
- ongoing dialogue with information, advice and guidance services for adults
- holding discussions and community forums with interest groups, specialist agencies and individuals who can help identify unmet needs – and covering their time, travel or childcare costs, where appropriate
- organising meetings, social or community events that pull people into your centre
- arranging 'tasters', open days or evenings, and guidance sessions
- developing an interactive website with space for suggestions and feedback.

Researching black and minority ethnic community needs

A project has been initiated by the Black Development Agency, Bristol and Bristol City Council Community Education Services to provide qualitative and quantitative data on the learning needs of, and provision for, black and minority ethnic (BME) communities in Bristol. The findings will be used to help plan and coordinate post-19 learning across the city.

The project is based on an action research model which aims to ensure that the questions asked are determined by members of BME communities themselves and that the resulting information is analysed by them. The project began by recruiting people from these communities and training and employing them as community consultants.

The training is based on the Research and Consultation course developed by Bristol Community Education and accredited by The Open College Network at Levels 1, 2 and 3. Individuals and groups learn to frame objectives, select appropriate research methods,

BEST COPY AVAILABLE

analyse data and consider conclusions and recommendations. This course runs over 20 weeks, but the training is flexible and the input is customised to meet the needs of the participants.

The course began in March 2001. The consultants, supported by the course tutor/facilitator and the steering committee, have now completed the research, which involved using a questionnaire to interview members of BME communities. The consultants are now using their skills in the next phase of the research, which will involve an audit of voluntary and community learning provision.

Meeting learners' needs

The quality of the dialogue you establish with existing and potential learners is equally important if your service is to stay responsive to individual needs. With time at a premium, questionnaires and written surveys may seem the most expedient way of inviting feedback. However, they are no substitute for discussion and debate, and written surveys can exclude people who have literacy or language needs. For students and tutors who may only come into your centre for a couple of hours a week, there may be little incentive to take part in evaluation exercises or out-of-hours meetings unless they can see the point – and potential benefits. People must feel as though their views are being heard. *Listening to learners* (LSDA/NIACE 2001) spells out the advantages and disadvantages of different ways of gathering views and responding to students, potential learners and other service users.

Involve all staff – whether they are tutors, administrators, caretakers or cleaners – in encouraging learners to review and suggest improvements. Designate a named officer to act as the conduit for suggestions. This provides a forum for sharing and developing good practice.

Assess individual learners' needs pre-course – in outreach or in-house information advice and guidance services – or by encouraging students to indicate if they have particular support requirements. Offer Basic Skill (Literacy and Numeracy) and ESOL Study Skill support through courses and workshops. Initial assessment can identify where students require extra help and can also help you to understand new students' learning styles and other special skills and strengths. But learners' needs may change – check and negotiate as the course progresses.

Enfield Racial Equality Council held a consultation, with the support of the borough's lifelong learning manager and the voluntary sector, to identify the learning needs of ethnic minority groups.

The process was useful in building networks. One outcome was the provision of short Key Skills in Greek courses for the Greek and Cypriot community, to engage non-learners and increase their confidence and awareness of lifelong learning.

Participants in three courses included women jobseekers and those over 50; sessions included exercise classes, educational visits, writing in Greek, and ESOL conversation. Retention was between 80% and 100% and the learners were able to identify their needs, describe their skills and consider alternative training, with an average of 50% progression to other programmes.

A curriculum fit for purpose

A curriculum that is fit for purpose should encompass all stages of the learning experience. From their first point of contact, learners need to feel welcome, safe, valued and respected, regardless of their background, origins or individual needs.

The most successful adult education providers – those who succeed in attracting adult learners, retaining them and helping them achieve their goals – have invariably understood the need for:

- **outreach** actively reaching out to learners, especially those who would not otherwise come forward
- **marketing** targeted events and user-friendly activities that enhance word-of-mouth reputation
- **publicity** leaflets, course information and publicity materials in appropriate languages or formats
- **guidance** offering relevant advice and guidance so that people have a clear sense of their goals and understand the various options and requirements
- **inclusiveness** promoting a safe, welcoming, inclusive ethos that encourages all sections of the community to feel they belong
- **awareness** understanding people's differing contexts, cultures, individual needs and learning priorities

- **communication** giving clear messages, encouraging discussion and enabling two-way communication – between tutors and learners, managers and staff, the centre and the community
- **support** ensuring that all learners can access personal support if needed – from their peers, their tutors and, where appropriate, from mentors, counsellors or outside agencies
- **a negotiated curriculum** providing time and opportunities for tutors to consult with their students and other relevant parties to identify responsive, imaginative ways of making the curriculum fit for purpose.

A group of learners studying mosaics at Redbridge Institute of Adult Education designed and installed two mosaic murals on a central dividing wall in the Institute's café. The murals explored the theme that education opens the door to understanding and appreciating the importance of all cultures and the enriching value of cultural difference.

On one side of the wall, the learners designed an imposing door, above which is a three-dimensional frieze of buildings from different cultures around the world. On the other side of the wall, they depicted a spiral surrounded by the four points of the compass. Mirror fragments were used to highlight the idea that difference and sameness are mere reflections of each other.

Learners, staff and visitors have admired the murals and they have become topics for discussion of the very issues they were trying to promote.

With the help of their tutor, the group have individually and collectively developed their ideas on multicultural society. Their end-of-year show explored the concept of the whole being made up of fragments, representing both the nature of mosaics and the many cultures in Britain.

Staff development

Time and resources for training are vital to help staff develop a relevant curriculum, and plan lessons, services and facilities that are responsive to a range of needs. Funding to support curriculum and staff development is a particularly important consideration for part-time or sessional tutors, as contracted hours rarely take fair account of essential planning, development and review activities.

As well as being part of induction and training, equal opportunities policies and standards can be:

- reinforced through guidance in tutors' handbooks
- a standing agenda item for centre meetings
- identified on lesson observation forms
- embedded in regular course and curriculum reviews.

Empowering staff to respond flexibly and empathetically to students' individual learning needs is an important part of EO training and helps ensure that learning is suitably differentiated.

Some ACL providers have a policy of actively recruiting tutors from excluded groups and help capacity-building by training community tutors. It is important to support the development of ethnic minority tutors outside specialist areas such as ESOL. While 94% of colleges have an equal opportunity policy, equality training is sadly lacking, particularly in the ability to investigate complaints or how to deal with racist incidents (Commission for Black Staff in FE/ Association of Colleges 2001).

If well delivered, staff development provides an ideal forum for raising staff awareness and their confidence to respond to individual needs, discriminatory behaviour and challenging equalities issues such as institutional racism (see 'The changing legal context', page 25). For black staff, and other under-represented employees who have 'hit the glass ceiling', staff development can include:

- mentoring
- work-shadowing
- secondments
- peer support
- providing funds and opportunities for 'fast-track' or leadership training.

The LSC's equalities remit suggests that in future it should be a lot easier to make the case for funding to support such activities. The two case studies below show how equal opportunities training can reach everyone.

Guidelines for developing good practice

Oxfordshire County Council has developed a 'securing equal opportunities' pack for management committees, staff and affiliated voluntary groups.

It includes guidance, examples of good practice, service standards and simple action planning sheets with prompts for reflection, such as 'Things I am more aware of...', 'Changes I will make to my practice are...', 'As an area/centre/project we must...'.

The pack covers:

- promoting equal opportunities
- recruiting staff
- developing information systems
- planning and providing learning
- widening participation and overcoming barriers
- teaching and learning
- using resources effectively.

'Race to train'

Sheffield City Council has developed a theatre-based staff development programme called 'Race to train', designed to reach all its employees.

In front of an audience of council staff, professional actors perform scenes scripted following 1500 interviews dealing with equality issues. The actors stop the drama at various points of conflict and invite the audience to suggest ways forward. Different scenarios and strategies are acted out and the consequences discussed. The drama provides insights into ways of managing inappropriate behaviour, as well as engaging people at all levels in the council.

BEST COPY AVAILABLE

A higher profile for equality and diversity

The LSC remit

The Learning and Skills Council (LSC) has a new responsibility under the Learning and Skills Act 2000 to promote equality of opportunity and combat discrimination. The key objectives of the Council's National Equality and Diversity Strategy: Widening Participation and Promoting Inclusion 2001–04 are:

To develop the Council as an equality and diversity employer / organisation

To develop the Council as a champion of equality

To embed equality and diversity into all policies, programmes and actions

To report to the Secretary of State on progress towards equality.

www.lsc.gov.uk 2001

Each local LSC is required to develop an EO strategy and consult on it by March 2002. Local LSCs will not only collect and analyse data to help identify priorities; they can also support providers with funding for local initiatives, training and advice on improvement strategies. LSCs will only be able to meet their objectives by working in active partnership with providers. In their planning role, LSCs will have more say in deciding which provision is best able to meet the learning needs of particular groups. ACL providers must be clear about what they can offer.

The new emphasis on diversity is a positive move away from earlier deficit models based on perceived lack of language, ability or skills.

It therefore provides a unique opportunity for providers to argue the case for a diversity of:

- **learners** for example pensioners and those with severe learning disabilities
- **provision** including a curriculum linked to community and personal development
- **staffing** local staff who reflect the community and its diversity at all levels
- **outcomes** achievements not just based on formal qualifications
- **resources** to fund new courses, team meetings, more accessible classrooms, an affordable crèche etc
- **providers** including small community and voluntary groups.

The national team which is part of the LSC's Quality and Standards Directorate provides support to local LSCs on how to mainstream equality and diversity in all that they do. It will issue guidance and provide development for staff on legislation, needs analysis, and performance indicators. In future, the LSC is likely to require data on recruitment, retention and achievement by disability, gender and ethnicity for each provider and each LSC area.

Local LSCs will also undertake regular monitoring of providers, probably twice a year, and judgements will affect the planning and funding of provision. Performance review will be assessing equality of opportunity in the following categories (subject to consultation and revision):

- **participation and recruitment**
  - guidance given to learners
  - achieving widening participation recruitment targets
  - initiatives to recruit particular target groups
- **learner experience and performance**
  - retention and achievement data
  - benchmarking data, where available
  - progression and destination data
  - learner satisfaction surveys
- **management**
  - equality and diversity policy documents
  - equality and diversity monitoring data and reports.

LSC 2002

Whatever the monitoring categories finally agreed on, you will need to review your EO policy and practice in your annual self-assessment report and development plan, and have evidence of implementation ready for review meetings.

The Common Inspection Framework

The LSC and the Adult Learning Inspectorate (ALI) share the same concerns about equality of opportunity, although the emphasis may differ slightly. Equal opportunity is more explicit in the new Common Inspection Framework (CIF) than in the previous Further Education Funding Council and OFSTED adult education inspection frameworks:

Inspectors must reflect the principles of equality of opportunity in all that they do.

Inspections will focus primarily on the experiences and expectations of individual learners through evaluation, as applicable, of:

The extent to which provision is educationally and socially inclusive, and promotes equality of access to education and training, including for learners with learning difficulties or disabilities.

ALI/OFSTED 2001

The ALI will be looking closely to see how equal opportunities are managed and promoted and how they are demonstrated in the achievements of learners, as well as in teaching, learning and support in different curriculum areas. Figure 4 shows how criteria for each of the key questions in the CIF make explicit reference to equal opportunities.

Figure 4 CIF equal opportunities criteria listed under the key questions

How effective are teaching, training and learning?

- Use materials and teaching methods that promote equality of opportunity

How are achievement and learning affected by resources?

- Learning resources and accommodation allow all learners to participate fully

How effective are the assessment and monitoring of learners' progress?

- Assessment is fair, accurate and carried out regularly
- Assessment information including the analysis of the performance of different groups of learners is used to guide the course and programme development

How well do the programmes and courses meet the needs and interests of learners?

- The curriculum or programmes of work are socially inclusive, ensuring equality of access and opportunities for learners

How well are learners guided and supported?

- Individual learning needs are accurately diagnosed and learners receive effective additional support throughout their studies or training
- Learners have effective personal support to help them to complete their course or programme, including access to specialist support services
- Guidance and support are sensitive to equality of opportunity

How effective are leadership and management in raising achievement and supporting all learners?

- How well equality of opportunity is promoted and discrimination tackled so that all learners achieve their potential
- Demanding targets for retention, achievement, progression and employment are set and met
- There are explicit aims, values and strategies promoting equality for all that are reflected in the provider's work
- There are effective measures to eliminate oppressive behaviour, including all forms of harassment

ALI/OFSTED 2001

BEST COPY AVAILABLE

The draft guidance for providers suggests the kind of evidence you can use for your own self-assessment (see www.ali.gov.uk). It will be updated after the pilot inspections of adult education have been evaluated. Guidance on interpreting the CIF for Basic Education is also available from the Basic Skills Strategy Unit (DfES, 2002).

Inspectors are likely to look from many angles for evidence of equal opportunities:

- policies and procedures
- action plans and how they have been monitored
- promotional material
- staff development programmes
- induction materials and programmes for students and tutors
- interviews with individual students and community groups
- lesson observation, especially individualised teaching methods
- learning materials, resources and accommodation
- guidance and support to meet individual and additional needs
- records or other evidence of students' initial assessment, progress and achievements
- data on proportions of local ethnic minority groups and other needs
- targets set and met for retention and achievement of different groups
- complaints and harassment policies and actions taken as a result
- curriculum design and review processes.

Inspectors will give a contributory grade for equality of opportunity under Leadership and Management, which draws on all aspects of provision.

The first ACL reports will appear after formal inspections start in the second half of 2002, but feedback from the pilot inspections suggests that ACL may need to pay more attention to the promotion of equal opportunities. Lessons can be learnt from reports for work-based learning published on the ALI website in 2001. Only 2% gained grade 1 for EO, with 75% gaining grades 3 or 4. Inspectors are not only interested in effective policies and practices. They want evidence that these are carried through right across the organisation and understood and applied by everyone, including part-time staff.

Sample inspection reports

'Sue Ryder Care's training unit has a range of clear and well-written policies on and procedures for the promotion of equal opportunities. These cover racial abuse and provocation, direct and indirect discrimination, complaints and appeals, sexual harassment and anti-discriminatory assessment practice. They are reviewed and updated each year and reflect changes in legislation.' Despite this, equality of opportunity received a grade 4. For although employers and learners receive information, employers' understanding is 'poor' and 'is not checked and strengthened by assessors', and learners' discussion 'focuses on completion of a checklist, is superficial'. Staff development was not comprehensive.

A grade 1 was given to Herefordshire Primary Care NHS Trust, where 'the promotion of equality of opportunity is an integral part of all aspects of work'. As well as a policy which 'refers to a wide range of associated policies and procedures which include disciplinary, grievance, cultural and religious needs, the needs of parents, people with disabilities and discrimination', these are 'discussed with learners at induction ... and progress review'. 'Recruitment and selection data are thoroughly analysed every six months' and 'this is used as a basis for discussions at staff meetings and the production of an annual update report which identifies improvements needed and the actions required for their implementation.' There is comprehensive support for those with disabilities, and training for staff and students in disability awareness. There is 'an equal opportunities good practice book' and incidents of inappropriate behaviour and complaints are dealt with quickly and analysed, and changes are made accordingly.

www.ali.gov.uk

BEST COPY AVAILABLE

Group sessions are more common in adult education than in work-based training, and are likely to have correspondingly more impact on equal opportunity grades. This means that tutors will need to:

- identify the initial learning needs and aims of individual students, and the best way to help them learn
- build on the skills, knowledge or experience they bring
- develop varied and inclusive teaching approaches that provide opportunities appropriate to individual learning styles
- ensure group work involves students and does not sideline or isolate any of them
- give learners regular feedback on their progress
- monitor how learners are achieving and adjust the course where appropriate
- ensure that course content challenges stereotypical perceptions, is sensitive to individual needs and celebrates diversity.

For their part, curriculum coordinators will need to ensure that the curriculum is able to attract and retain a greater diversity of learners and that all tutors apply EO principles in their sessions. In college inspection reports under the CIF, leadership grades draw on the performance of course team leaders as well as senior management. This is another reason for promoting 'ownership' of equal opportunities across the service.

The new emphasis on individual progress (sometimes called 'individualisation' by ALI) consolidates Inclusive Learning and Widening Participation initiatives, and should provide a spur to review and strengthen your practice.

The changing legal context

Twenty-five years after the introduction of legislation designed to outlaw race and sex discrimination (see Appendix, page 41), the debate about how to eliminate discrimination and ensure equality continues unabated. Since the 1995 Disability Discrimination Act, there have been several new laws and other important developments with far-reaching implications for ACL providers.

The MacPherson Report

Institutional racism
The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.

Racism
...conduct ... words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin. Its more subtle form is as damaging as its overt form.

A racist incident
A racist incident is any incident which is perceived to be racist by the victim or any other person. It may be perpetrated against individuals on the basis of their race, colour, nationality, culture, language or religion.

MacPherson 1999

The MacPherson Report (1999) summarised the findings of the Stephen Lawrence Inquiry and made a number of recommendations for tackling institutional racism, discouraging racial violence and promoting race equality. Many of its recommendations are reflected in the Race Relations (Amendment) Act and in the revised Common Inspection Framework. They include:

- producing a written commitment to racial equality
- mainstreaming race equality principles into all policies and practices
- providing effective race equality training
- adopting and implementing a procedure for dealing with complaints of racial discrimination and harassment
- taking steps to address the under-representation of black, Asian and ethnic minority people in the workforce
- publicising your commitment to racial equality and valuing cultural diversity
- monitoring and evaluating progress.

These new requirements are not uncontentious. They may need to be carefully explained to tutors, learners and others who use your centre. New behaviour codes, monitoring procedures and racial incident reporting systems may also need to be developed. Receptionists, caretakers, security staff and other 'gatekeepers' will probably need training if they are to appreciate the practical implications of adopting MacPherson's victim-orientated definition of a racist incident. Staff will certainly need training if they feel defensive about the charge of institutional racism. To avoid resentment or a backlash, ensure that responses to other equalities issues are consistent with your institution's stand on racism.

The Commission for Black Staff in FE will report in 2002 on institutional racism in further education. This will be relevant to ACL. The Commission's interim report (Commission for Black Staff in FE / Association of Colleges 2001) has already highlighted that only 5% of colleges have race equality policies and that senior managers have real difficulties understanding issues of discrimination and race. These issues are also addressed here in the section on staff development (page 15).

BEST COPY AVAILABLE

The Race Relations (Amendment) Act 2000

The provisions of the 1976 Race Relations Act with regard to direct / indirect discrimination, victimisation and positive action remain unchanged. However, the Race Relations (Amendment) Act 2000:

- extends protection against racial discrimination
- places a new enforceable **positive duty** on the police, prisons, schools and other public authorities to have due regard to the need to:

  eliminate unlawful racial discrimination

  promote equality of opportunity and good race relations

  consider the implications for racial equality of all their activities.

Specific duties will come into force in May 2002. They will include:

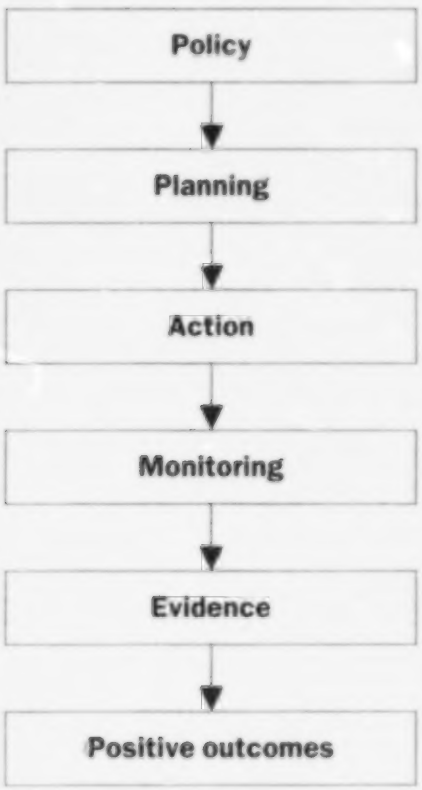
- preparing a written Race Equality Policy
- assessing the impact of policies on ethnic minority staff and learners
- monitoring the recruitment and progress of ethnic minority staff and learners
- setting out arrangements for publishing the Race Equality Policy
- monitoring of all racial groups for 'adverse impact'
- annually publicising results of impact assessment and monitoring
- ethnic monitoring of staff and job applicants
- ethnic monitoring and analysis of grievances, disciplinary action, performance appraisal, dismissals and other reasons for leaving (where there are more than 150 employees)
- producing evidence on how the organisation is meeting these specific duties
- staff training in connection with these duties.

The Learning and Skills Council (LSC) plans to issue guidance on the implications for post-16 education. The Commission for Racial Equality has issued Codes of Practice, and will have powers to take enforcement action through the County Court or Employment Tribunals. There is a single Code of Practice for all public authorities, advising them how to mainstream race equality into policy development and all planning and decision-making.

The Code will provide:

- practical guidance on how to comply with the general and specific duties contained in the Act
- examples of good practice
- information about compliance and enforcement
- additional guidance on education (to be aimed at schools, although of relevance to other education providers).

Figure 5 Complying with the Race Relations (Amendment) Act



The Special Educational Needs and Disability Act 2001

The Disability Discrimination Act 1995 required employers and service providers not to discriminate against disabled people, but did not originally include similar requirements for education providers. There was a requirement on some post-16 education funding bodies to request disability statements from institutions, but it did not include any duties not to discriminate against disabled people or students.

The principle behind the Special Educational Needs and Disability Act 2001 is that disabled people should have the same opportunities as non-disabled people to benefit wherever possible from education or other related provision. It will be unlawful to discriminate by treating disabled people less favourably and organisations will have to make reasonable adjustments.

The government intends to implement the new duties in three stages:

- from 1 September 2002, it becomes unlawful to discriminate against disabled people or students by treating them less favourably than others; in addition, responsible bodies will be required to provide certain types of reasonable adjustments to provision where disabled students or other disabled people might otherwise be substantially disadvantaged
- from 1 September 2003, responsible bodies will have a duty to make adjustments involving the provision of auxiliary aids and services
- from 1 September 2005, responsible bodies will have a duty to make adjustments to physical features of premises where these put disabled people or students at a substantial disadvantage.

The Disability Rights Commission has prepared and issued a new Code of Practice that addresses the post-16 sections of the legislation as it applies in England, Wales and Scotland. The Code:

- gives practical guidance on how to avoid discrimination against disabled people and students wanting to access education or other related provision
- describes the duties on the bodies responsible for this provision
- is designed to help disabled people understand the law and what they can do if they feel they have been discriminated against.

The Code deals with how to avoid unlawful discrimination against disabled people and students. However, education and training providers who work with disabled people or provide youth or community services are encouraged to go beyond mere compliance with the law by working towards eliminating altogether discrimination against disabled people in their services.

The LSC has allocated extra funding to LEAs to help bring ACL facilities and premises up to the required standards. The Department for Education and Skills has commissioned NIACE to prepare a guide for LEAs on implementing the Special Educational Needs and Disability Act in their ACL provision.

The LSC is also recommending that LEAs continue to produce annual disability statements as a matter of good practice.

LEA equality frameworks

Neighbourhood renewal

The government's Social Inclusion agenda has provided a focus and a funding mechanism for LEAs wishing to address the needs of people who are least able to access or benefit from services due to poverty and other material factors. The Neighbourhood Renewal Unit's starting point is to acknowledge that social exclusion and isolation (due to age, race, disability, social class, unemployment, living with mental illness etc) are key contributors to the disempowerment of communities and individuals. Pursuing strategies to end social exclusion means actively addressing inequality issues through partnerships between housing, social services, health and education.

The strategy for the Skills and Knowledge Programme, to be published in 2002, will provide a long-term vision for learning. By identifying barriers to learning, auditing existing provision and highlighting what works, the programme will aim to narrow the gap between the most and least deprived areas. Aimed at residents, practitioners and professionals and Local Strategic Partnerships, the programme will engage local communities and service providers in contributing to the local learning plan. It will be an opportunity for ACL providers to consider how they can help the move from piecemeal to strategic approaches to equality of opportunity.

Local authorities are also expected to operate within their own equality frameworks. These include Best Value and the Commission for Racial Equality (CRE) standard.

BEST COPY AVAILABLE

Best Value

Best Value (BV) is a framework for securing transparency, accountability and continuous improvement in local government service provision. It is achieved by reviewing the performance of council services, setting new and challenging performance standards and adopting and implementing improvement plans, using the '4Cs' to:

- **challenge** assumptions, policies, methods of provision and why the service is provided at all
- **compare** it with others and identify best practice
- **compete** by searching for and comparing with alternative providers, embracing fair competition as a means of securing services for the future
- **consult** with users and non-users, including black and minority ethnic and other groups on current service performance and improvement plans.

Best Value sets out a number of guiding principles that are relevant to ACL providers. They include 'local accountability' and 'effectiveness and the quality of local services'. It also builds on the premise that for services to be of good quality, they have to be accountable and sensitive to the needs of the local population. This is most likely where providers have an effective equalities policy that is closely linked to the LEA's strategic and adult learning plans and its Best Value review cycles.

There are a number of relevant BV Indicators – BV2, BV11, BV16 and BV17 – and performance against targets should be published each year:

- the level of the CRE's Standard for local government to which the authority conforms (see Figure 6)
- the percentage of senior management posts filled by women
- the percentage of staff who are disabled within the terms of the Disability Discrimination Act 1995 as a ratio of that within the local population
- the percentage of staff from ethnic minorities as a ratio of that within the local population
- the number of racist incidents recorded (on staff and members of the public) per 100,000 of the borough's population.

Racial Equality Means Quality (REMQ)

The CRE's REMQ (Racial Equality Means Quality) standard provides a common framework for race equality against which local authorities can assess their performance. It aims to bring racial equality into the mainstream of local government through a tool with which to assess progress, identify achievements and systematically plan for improvement. REMQ is designed to be relevant to authorities with substantial ethnic minority populations and those with minority populations that are smaller or more scattered.

Adopting REMQ enables local authorities to demonstrate their commitment to racial equality by firmly embedding the standard into their quality assurance framework. Most authorities begin by conducting an authority-wide or service-wide equality audit to determine progress, identify strengths and weaknesses and establish the level achieved. This activity should be a transparent exercise involving staff at all levels and service users. The findings should give rise to systematic action planning aimed at achieving the next level up within an agreed time frame.

Figure 6 REMQ Levels 1–5

Level 1	the council or service has a written racial equality policy statement
Level 2	the council or service has an action plan for monitoring and achieving its racial equality policy
Level 3	results of ethnic monitoring against an equalities policy and consultations with local communities are used to review overall council policy
Level 4	the council or service can demonstrate clear improvements in its services resulting from monitoring, consulting with local communities and acting on its equal opportunities policy
Level 5	the council or service is an example of best practice in the way it monitors and provides services to ethnic minorities and is helping other authorities to achieve high standards. Confirmation that the authority has reached this level must be confirmed by the CRE

www.cre.gov.uk

The Department for Transport, Local Government and the Regions Performance Indicators on Equal Opportunities currently require local authorities in England to address a number of questions, including:

- Does the authority have a comprehensive published policy to provide services fairly to all sections of the community?
- Does the authority monitor how it carries out this policy?
- Does the authority follow the CRE, Equal Opportunities Commission and Disability Discrimination Act 1995 codes of practice on employment?
- Does the authority carry out formal monitoring of its employees with respect to equal opportunities?
- Which level of the CRE's 'REMQ' Standard for Local Government does the authority conform to in the provision of services to the community?

The last question on REMQ is also one of the Best Value performance indicators.

Self-assessment for equality and diversity

This section draws together the new requirements and issues raised by Inclusive Learning and Widening Participation to form an EO self-assessment tool. You can download a version of this tool from the www.qualityACL.org.uk website and amend and adapt it to suit your own needs. Further staff development materials from regional workshops will be placed on the website in summer 2002.

This tool looks at equal opportunities as a whole. You may find it more appropriate, when compiling your annual self-assessment report, to embed equal opportunities issues under key CIF questions in 'areas of learning', and to cover the strategy, policy and action plans under 'leadership and management'. You can use this audit as evidence for LSC performance reviews and ALI inspections.

The guide *Self-assessment and development planning for ACL* (Kenway and Reisenberger 2001) gives detailed advice on managing self-assessment, collecting evidence, making judgements and preparing a development plan. This is not just about proving that you have quality provision – it is about improving it too.

Equality assurance: self-assessment for equal opportunities in further education (Dadzie 1998), although based on the old Further Education Funding Council inspection framework, provides prompt questions and examples of good practice.

Equality and diversity audit tool

Key

A = We are very confident about this; we have evidence that work is established and that staff and students understand their roles and responsibilities

B = We haven't done much on this yet, but we know what we need to do and how to go about it

C = We still need to do a lot of work on this area

	A	B	C
Strategy			
The governors / management committee, elected members / and senior managers champion EO and this is recognised throughout the organisation			
Senior managers and governors / management committee receive regular training and updating			
EO is embedded in our mission and strategic and adult learning plan			
EO values are promoted in all our work, in all our locations and partnerships			
Our key policies have been reviewed in the light of our commitment to EO			
Resources are prioritised and fee policy is set to meet our strategic objectives			
Regular reports on progress are given to senior managers and governing bodies			

	A	B	C
Policy and procedures			
Policies cover discrimination, harassment, complaints, student entitlements			
Our policies take account of statutory requirements and new legislation			
Policies cover both how we manage staff and how we work with students			
Policies are published and publicised for discussion by students, staff and the community			
EO is promoted actively through marketing, outreach and partnership activities			
We adhere to EO standards and / or have a code of conduct			
Policies are regularly reviewed and updated			
Identifying needs			
There is regular staff, student and community consultation			
Staff / student questionnaires and reviews are used to gain feedback			
We use local data from the LSC and other sources for planning			
Partnerships with local learning / strategic / voluntary groups inform our service			
Programmes change in response to identified needs			
Students are entitled to initial assessment of Basic Skills and additional needs			
All students have induction activities and individual learning plans			

	A	B	C
Action planning			
Our development plan builds on our strengths and weaknesses and identifies priority areas for improvement			
EO objectives and targets are set for recruitment, retention, achievement for different groups, centres, areas of learning, as appropriate			
We have plans for sharing good EO practice throughout the service and with partners			
The plan identifies both what needs to be done and how improvements will be implemented			
Named people are responsible and understand the success criteria and deadlines to work to			
Regular monitoring and evaluation processes are in place			
Access and resources			
Outreach provision is developed on the basis of need and in partnership with local communities			
We have conducted an accessibility audit of our premises and have planned adjustments and improvements			
We have, or can arrange, access to specialist equipment to support people with disabilities			
There are a range of additional support services, such as childcare or transport			
Course information and documentation is available in community languages and special formats			
Material is regularly reviewed for use of language and positive images			
Support			
Initial guidance has links with the local Adult Information and Guidance Services			
Referrals are made to specialist services and support			
Basic Skills and learning support are available to, and accessible by, all learners			

BEST COPY AVAILABLE

	A	B	C
Support *continued*			
We work with volunteers as mentors, buddies and peer supporters and offer them training to support others			
Students receive on-programme learning support from tutors and know where to go for extra support or personal support			
'Next steps' guidance is available to students			
Curriculum development			
We have undertaken a curriculum audit against needs			
EO has been mainstreamed in all areas of learning			
We have set up courses tailored to the needs of specific groups			
Annual curriculum reviews include an EO dimension and all curriculum managers understand their responsibilities			
'First-rung', bite-sized and modular provision is available to improve access			
Progression ladders are made clear in prospectuses and course documentation			
Accreditation is 'fit for purpose' to meet students', rather than funders', needs			
Timing and location of courses is adjusted to reach out to new students and meet existing student needs			
Teaching and learning			
Tutors are given guidance on how to build on initial assessment and cater for the diversity of individual needs			
Materials and resources are appropriate to the student group and challenge stereotypes and preconceptions			
EO is included in lesson observation criteria and staff are aware of the CIF requirements			
Records of student progress and achievement are kept and tutors adapt courses accordingly			
Fair and appropriate assessment methods are used which take account of students' backgrounds and needs			
Different achievements are recognised and celebrated			

	A	B	C
Staffing and staff development			
Selection and promotion procedures are informed by EO policy and legislation			
Administrative, support and tutoring staff are aware of, and act on, EO policy			
The tutors' handbook explains EO policy and tutors' responsibilities			
Induction and in-service training is held on a regular basis			
Staff are sponsored on specialist training, where appropriate			
We have clear methods of sharing and learning from good practice			
The distribution of staff across grades and work roles is monitored and action taken to redress imbalances			
Mentoring and development opportunities are offered for ethnic minority staff and other under-represented groups			
Monitoring and review			
Our EO action plan is closely monitored for internal and LSC performance reviews			
We analyse data on student numbers to see if we are meeting our targets and to inform development of courses and services			
We undertake benchmarking of progress year on year and compare with others where possible			
Staff are involved in the service's annual self-assessment of strengths and weaknesses			
EO review is integrated into our quality cycle and EO actions are included in our improvement plans			
All staff and students understand the policies and their implications and act in accordance with them			
There is evidence that senior managers and governing bodies take action in response to EO reports			

Statutory requirements

LEAs and their adult education providers are responsible for ensuring that no unlawful discrimination on grounds of race, sex or disability takes place in the provision of services to local people, or against applicants for jobs. Key Acts, in addition to those described in the section on 'The changing legal context', include the following.

Race and sex discrimination

The Sex Discrimination Act 1975 (SDA) and the Race Relations Act 1976 (RRA) define three main types of discrimination:

- **direct discrimination** occurs when a person is treated less favourably than others on grounds of sex, marital status or race, colour or nationality (including citizenship) or ethnic or national origins
- **indirect discrimination** occurs when a rule or condition or requirement which applies equally to everyone has a disproportionately adverse effect on people from a particular racial group, or on one sex, or a married person of the same sex, and there is no objective justification for the rule
- **victimisation** occurs when a person is discriminated against for taking action under the Race Relations Act or the Sex Discrimination Act, or for supporting such action by another.

LEAs must comply with those parts of both Acts that relate to discrimination in employment, education and training. They must also observe the general prohibitions against discrimination in access or 'indirect access' to goods, facilities and services they provide. 'Indirect access' would apply to the actions of agents providing services as contractors or franchisees.

Any employee, regardless of length of service, is entitled to make a claim under the SDA, the RRA or the Disability Discrimination Act 1995.

The SDA now also protects transsexuals against discrimination in employment and training. Discrimination on the grounds of marital status relates to employment and training, but not to education.

Positive action

It is lawful under both the SDA and the RRA to provide training and special encouragement for people of a particular racial group, or either sex, who have been under-represented in certain occupations or grades during the previous 12 months.

It is also lawful to address any special educational, training or welfare needs identified for a specific racial group and to provide training and special encouragement for returners to the labour market after a period of time discharging domestic or family responsibilities. Special encouragement might include:

- targeted advertising and recruitment literature
- reserving places for one sex on training courses
- fast-track training for black and minority employees wishing to gain access to managerial posts.

Disability discrimination

The Disability Discrimination Act 1995 requires employers and service providers to take 'reasonable measures' to ensure that they are not discriminating against people with a disability. The Act also makes it unlawful for an employer to treat a disabled person less favourably because of their disability.

Age discrimination

In 1999 the Department for Education and Employment published a code of practice on Age Diversity in Employment. To comply with the European Union Anti Discrimination Directive, the UK must introduce comprehensive age discrimination laws by December 2006. The Government is expected to publish a consultation paper, seeking views on when it should be legitimate to consider age in recruitment, training and promotion. As with the UK discrimination law on race and sex, the Directive covers direct and indirect discrimination, harassment and victimisation. Discrimination will be lawful only where it is objectively justified by a 'legitimate aim', and where the means of achieving that aim are appropriate and necessary.

BEST COPY AVAILABLE

Human rights

The Human Rights Act 1998 incorporates into domestic law most of the articles of the European Convention on Human Rights. It enables any individual who considers that he or she has been a victim of a human rights violation to challenge a public authority (eg local or central government) in the courts or tribunals. Although the Act became law in November 1998, it only came into effect in October 2000.

Individuals have two ways of seeking redress or protection:

- by means of court action for judicial review or damages
- by using the Convention as a defence in civil or criminal proceedings brought against them by a public authority.

Most of the Convention rights incorporated into UK law have implications for local authority services, including social services, education, transportation and matters of corporate governance. It also affects the employment of staff. Convention rights relevant to ACL include:

- the right to education
- freedom of thought, expression and assembly
- respect for private and family life.

The Home Office's Human Rights Unit is responsible for the successful implementation of the Human Rights Act and monitors its impact on courts and public services.

References

ALI/OFSTED. *Common Inspection Framework*. ALI/OFSTED, 2001.

Commission for Black Staff in FE / Association of Colleges. *Witness evidence and survey findings highlighting institutional racism in FE: interim report*. Commission for Black Staff in FE / Association of Colleges, 2001.

Dadzie S (ed.). *Equality assurance: self-assessment for equal opportunities in further education*. FEDA, 1998.

DfEE. *Skills for neighbourhood renewal*. DfEE, 1999.

DfES. *National adult learners survey*. DfES, 2001a.

Department for Education and Skills. *Neighbourhood renewal skills and knowledge programme*. DfES, 2001b.

Department for Education and Skills. *Success in adult literacy, numeracy and ESOL provision – a guide to support the Common Inspection Framework*. DfES, 2002

Kennedy H. *Learning works – widening participation in further education*. Further Education Funding Council / HMSO, 1997.

Kenway M and Reisenberger A. *Self-assessment and development planning for adult and community learning providers*. Circular 02/05. LSDA/NIACE, 2001.

Learning and Skills Council. *Quality and standards: reviewing performance: arrangements for colleges and other providers*. LSC, 2002.

MacPherson of Cluny, Sir William. *The Stephen Lawrence inquiry*. The Stationery Office, 1999.

Malach A. *Colour blind: a practical guide to teaching black adult learners*. NIACE, 2001.

McGivney V. *Working with excluded groups*. NIACE, 2000.

Merton A. *Thematic review of Local Education Authority Adult Learning Plans*. NIACE, 2001.

Ravenhall M. *Listening to learners*. LSDA/NIACE, 2001.

BEST COPY AVAILABLE

Sutcliffe J. *All things being equal? A practical guide to widening participation for adults with learning difficulties*. NIACE, 1999.

Tomlinson J. *Inclusive learning*. Further Education Funding Council / HMSO, 1996.

Relevant organisations and their websites

Adult and Community Learning Quality Support Programme

www.qualityACL.org.uk

An LSDA and NIACE site including staff development guides, back-up materials from workshops, case studies, news and views

Adult Learning Inspectorate

www.ali.gov.uk

Includes Common Inspection Framework, guidance for adult education providers on evidence, inspection reports and grades (searchable by 'equal opportunities')

www.agepositive.gov.uk

A government site for individuals and employers promoting age diversity in employment. Code of practice, good practice ideas, updates on legislation

Commission for Racial Equality

www.cre.gov.uk

Publications, statistics, legislation and consultations, campaigns celebrating diversity, news

Department for Education and Skills

www.dfes.gov.uk

Information, with adult education section linking to many other sites including Learndirect, for adult guidance; and readwriteplus, for Basic Skills Strategy

Disability Rights Commission

www.drc-gb.org/drc

Legislation, information on the new Special Educational Needs and Disability Act, Educating for Equality campaign

Equal Opportunities Commission

www.eoc.org.uk

Facts, publications and advice on rights of men and women, sexual harassment, equal pay

52 BEST COPY AVAILABLE

Home Office

www.homeoffice.gov.uk

Links to the Human Rights Unit, and the Race Equality and Diversity Unit. With information on court cases, research and publications about public services

Learning and Skills Council

www.lsc.gov.uk

Circulars, publications and information and requirements, including sections on adult learning and quality

Learning and Skills Development Agency

www.LSDA.org.uk

Research, guidance, support programmes and publications on post-16 learning

www.lifelonglearning.co.uk

Government-sponsored site promoting lifelong learning. News and ideas; equal opportunities section with helpful links

Neighbourhood Renewal Unit

www.neighbourhood.dtlr.gov.uk

Includes information on the Skills and Knowledge Programme and New Deal for Communities

NIACE: the national organisation for adult learning

www.niace.org.uk

Information service, conferences, projects and publications on adult education

OFSTED (Office for Standards in Education)

www.ofsted.gov.uk

Adult education inspection reports pre-April 2001

SKILL

www.skill.org.uk

Promoting education, training and employment for disabled people. Information on legislation, students' rights and funding

53 BEST COPY AVAILABLE

adult and community learning
quality support programme

A commitment to widening participation has long been the hallmark of adult and community learning (ACL) provision. ACL has shown that, even with minimal resources, meaningful responses to inequality and diversity can be delivered. But too many people are still missing out on education because provision does not meet their needs. Closing equality gaps will give them the opportunities and support they need to succeed in ACL.

This practical guide for ACL managers explains how to address equality and diversity issues in the context of the Learning and Skills Council remit and the Common Inspection Framework. It outlines new legislative and reporting requirements for local authority adult education. Case studies highlight good practice – from equal opportunities information packs to staff training days with a dramatic twist. To help managers and coordinators evaluate and improve their provision, the booklet concludes with a self-audit tool.

BEST COPY AVAILABLE

54

ISBN 1 85338 752 5